

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NORTHEAST ORGANIC FARMING
ASSOCIATION OF NEW YORK,
NATURAL RESOURCES DEFENSE
COUNCIL, and ENVIRONMENTAL
WORKING GROUP,

Plaintiffs,

v.

U.S. DEPARTMENT OF AGRICULTURE,

Defendant.

Civil Action No. 1:25-cv-01529
(MMG)

DECLARATION OF GARETT ROSE

I, Garrett Rose, hereby declare and state as follows:

1. I am a Senior Attorney at the Natural Resources Defense Council (“NRDC”). I am over the age of eighteen. I have personal knowledge of the facts stated in this declaration, and, if called to testify, I could and would competently do so under oath.

2. NRDC is a 501(c)(3) nonprofit environmental and public health organization with more than three million members. NRDC engages in research, advocacy, media, and litigation related to protecting public health and the environment, including with respect to food, agriculture, and forestry.

3. I have worked at NRDC since 2018. My duties include leading NRDC’s advocacy on federal forest issues, including National Forest System (“NFS”) management.

4. The NFS is managed by the U.S. Forest Service, an agency housed within the U.S. Department of Agriculture (“USDA”). The NFS includes many of the nation’s mature and old-growth trees and forests, which foster diverse plant and animal life and play an outsized role in

sequestering and storing carbon. NFS components also rank among the most naturally beautiful landscapes in the United States. Promoting sound management of the NFS thus furthers NRDC's commitment to fighting climate change, promoting biodiversity, and protecting our nation's special places.

5. In keeping with these goals, NRDC advocates to protect mature and old-growth trees and forests in the NFS. NRDC does this by commenting on proposed administrative actions, developing research, filing Freedom of Information Act requests, and engaging the public, among other activities.

6. This advocacy accelerated in 2022, when President Biden ordered USDA to further protect mature and old-growth forests by issuing Executive Order 14,072: Strengthening the Nation's Forests, Communities, and Local Economies. This order instructed USDA to "define, identify, and complete an inventory of old-growth and mature forests on Federal lands," to "analyze the threats to mature and old-growth forests on Federal lands," and to "develop policies, with robust opportunity for public comment, to institutionalize climate-smart management and conservation strategies that address threats to mature and old-growth forests on Federal lands." Exec. Order No. 14,072, 87 Fed. Reg. 24,852 (Apr. 27, 2023). In response to this order, and with the goal of conserving old-growth forests within the NFS, the Forest Service in December 2023 proposed uniform amendments to nearly all NFS land management plans. This initiative was often referred to as the National Old Growth Amendment.

7. NRDC submitted detailed technical comments along with other NGOs on the draft environmental impact statement for the National Old Growth Amendment in September 2024. These comments highlighted several flaws in the Forest Service's proposal, including that it

permitted logging of old-growth trees under certain circumstances and that it offered insufficient protection to mature trees and forests, which develop into old growth if left undisturbed.

8. USDA webpages played a critical role in developing these comments. My team and I relied heavily on an April 2024 policy document called “Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management”—the inventory that Executive Order 14,072 required. We used this document to understand how the Forest Service defined mature and old-growth forests and, by extension, how the National Old Growth Amendment would work in practice. Having access to this document, in other words, meant that we could use the Forest Service’s own understanding of what constituted old growth to inform our critique of its National Old Growth Amendment proposal and our recommendations for how to improve it.

9. On February 10, 2025, I learned that the mature and old-growth forest inventory has now been removed from USDA’s websites. Its removal makes it more difficult for NRDC to engage in similar advocacy in the future. On March 1, 2025, for instance, President Trump issued an executive order designed to significantly increase logging in federal forests. Exec. Order No. 14,225, 90 Fed. Reg. 11,365 (Mar. 1, 2025). To participate in the fast-moving public debate on this order, my team and I would have used the inventory to explain the ecological value of intact mature and old-growth forests and the negative consequences of logging them.

10. The removal of additional USDA webpages likewise hampers NRDC’s ongoing advocacy efforts around mature and old-growth forests. For example, USDA recently removed its Climate Risk Viewer, an interactive map displaying climate-related data and other ecosystem information. My team and I intended to use this tool to inform policy analysis and an outreach campaign that built on our previous work. The policy work would seek to further develop a

workable national mature and old-growth forest policy and build out a technical case supporting it, including analysis showing how the proposal would protect critical ecological values and intersect with wildfire-related management needs. The outreach component would aim to engage with tribal nations, rural communities, scientists, and other members of the public about why mature and old-growth forests are important, with the long-term goal of advancing a workable proposal.

11. USDA's representations that it would continue to improve the Climate Risk Viewer reinforced our plans to use this tool in our advocacy. *See Memorandum from Chief, U.S. Forest Serv. to Deputy Chiefs, Reg'l Foresters, Station Dirs., and Forest Supervisors*, 3 (Jan. 7, 2025), <https://perma.cc/LGJ6-NAPY> ("We are currently working to develop finer-scale data layers . . . and adding to information currently available in the Climate Risk Viewer.").

12. My team and I would have also used the Climate Risk Viewer to aid our advocacy in response to President Trump's logging executive order. Because this tool aggregates useful climate-related data and other ecosystem information, it would have streamlined and informed our efforts to analyze and publicize the potential consequences of this dramatic shift in logging policy on federal lands.

13. It is my understanding that the Climate Risk Viewer, the mature and old-growth forest inventory, and other USDA webpages are no longer available because, shortly following President Trump's second inauguration, USDA directed agency staffers to remove webpages focused on climate change, and to flag for possible removal webpages that even mention it in passing.

14. My team and I rely on additional webpages that relate to, discuss, or mention climate change, which are now in imminent danger of removal by USDA pursuant to that directive.

For example, we rely on USDA webpages to help inform our approach to wildfire policy. *Confronting the Wildfire Crisis: Expanding Efforts to Deliver on the Wildfire Crisis Strategy*, U.S. Forest Serv. (Jan. 2023), <https://perma.cc/PHM8-K3M2>; *Confronting the Wildfire Crisis: A Strategy for Protecting Communities and Improving Resilience in America's Forests*, U.S. Forest Serv. (Jan. 2022), <https://perma.cc/Y3L7-CWTY>. Although these webpages are still published as of March 14, 2025, they could be taken down at any moment because they reference climate change. Their removal would further disrupt my work and the work of my team.

15. I understand that my colleagues across NRDC have similarly used—and intended to continue using—USDA webpages that have been removed or are in danger of removal to carry out their work.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 14, 2025



Garett Rose